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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Appellant : | Thomas J. Smith | Group Art Unit : | 2453 |
| Serial No. : | 10/658,896 | Examiner : | Philip J. Chea |
| Filed : | September 10, 2003 | Docket : | Navy Case 79544 |
| Title : | READ-ONLY BASELINE WEB SITE TO WHICH CHANGES ARE MADE VIA MIRROR COPY THEREOF IN CUT-AND-PASTE MANNER | | |

Mail Stop: Board of Patent Appeals and Interferences
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF UNDER 37 CFR §41.41

In response to the April 27, 2009 Examiner's Answer under 37 CFR §41.39, the shortened statutory period for reply effectively ending June 27, 2009, please consider the following:

Remarks at pages 2-3.

CERTIFICATE OF TRANSMISSION / MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Mail Stop: Amendment, P.O. Box 1450, Alexandria VA 22313-1450 on the date identified below:

Date: 6/17/09 Name: Deborah G. Blakley
Deborah G. Blakley

Appellant : Thomas J. Smith
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REMARKS

Appellant hereby responds to the Grounds of Rejection (item 9) and Response to Arguments (item 10) in the Examiner's Answer at pages 3-14. Appellant acknowledges the remaining portions of the Examiner's Answer without further comment.

The Examiner's Answer reiterates the rejection of claims 1-3, 5-7, 9-12, 17, 19 and 20 as being allegedly unpatentable as obvious under 35 U.S.C. §103(a) over U.S. Patent 7,240,077 to Edelman *et al.* (hereinafter "Edelman") in view of U.S. Patent Application Publication 2002/0188636 to Peck *et al.* (hereinafter "Peck"); claim 4 as being allegedly unpatentable under 35 U.S.C. §103(a) over Edelman in view of U.S. Patent Application Publication 2004/0064352 to Gordon *et al.* (hereinafter "Gordon"); claims 8, 13, 14, 16 and 18 as being allegedly unpatentable under 35 U.S.C. §103(a) over Edelman in view of Peck and further in view of U.S. Patent 6,313,855 to Shuping *et al.* (hereinafter "Shuping"); and claim 15 as being allegedly unpatentable under 35 U.S.C. §103(a) over Edelman in view of Peck and further in view of Shuping and Gordon.

In the Grounds, the Examiner's Answer asserts at page 3 that Edelman discloses a baseline site accessible by users through a network together with a mirror web site. Appellant respectfully disagrees, noting that Edelman teaches a merchandiser tool 150 enabling a user to change a web-site page without providing for either a mirror site or updating a baseline site, thereby lacking either a mirror site or updating a baseline site. See e.g., col. 5, lines 13-40 and Figs. 1 and 5 of Edelman. Moreover, Edelman's tool operates on a host facility 104 being separate from the clients 106, 108. This contrasts with Appellant's claimed features that provide remote access to authorized users for modifying mirror copies, rather than merely to enable data entry by purchasers to a merchant site, as intended by Edelman.

The Examiner's Answer concedes at page 4 that Edelman fails to disclose modification by cut-and-paste techniques, but asserts that Peck compensates this deficiency by teaching an editing software package. The Examiner's Answer further states that such features are well known in the art and that modification of Edelman to include Peck would have been obvious at the time of Appellant's invention. Appellant notes that Peck teaches modification of a web-

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based document, rather than a mirror copy, and thus does not compensate for Edelman's deficiency.

Moreover, Edelman's "live" site that the Examiner's Answer at page 12 insists is analogous to Appellant's baseline site has no corresponding mirror site. Instead, Edelman's tool operates on the selected page and changes can be saved on non-volatile media upon verification. See col. 5 lines 58-64 of Edelman.

Regarding dependent claims 4, 8, 13-16 and 18, Examiner's Answer at pages 7 and 11 asserts that Gordon and/or Shuping teach the additional features recited in these claims. Appellant responds by noting that these secondary references do not compensate for the deficiencies of Edelman and Peck, discussed *supra*, irrespective of whether they suggest the remaining dependent recitations in addition to motivation to combine these references being properly established.

Appellant respectfully submits that the Patent Office fails to satisfy the requirements of obviousness, particularly in reciting all the recited features, and thus that claims 1-20 are patentably distinguishable over the combination of Edelman, Peck, Gordon and/or Shuping under 35 U.S.C. §103(a), contrary to the Final Rejection and the Examiner's Answer. Appellant respectfully requests this Honorable Board to reverse the rejection of the claims and to pass this application to issue.

Respectfully submitted,

Gerhard W. Thielman
Registration No. 43,186

Date: June 17, 2009

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